

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

HENRY AKINS II,

Plaintiff,

v.

THE KROGER CO.,

Defendant.

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Civil Action No. 4:19-cv-00134-P-BP


**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (ECF No. 27) and Plaintiff's Objections thereto (ECF No. 28).

The Court has liberally construed Plaintiff's objections in light of Plaintiff's pro se status. Following a de novo review, the Court **OVERRULES** the Objections, as none of the Objections alter the Magistrate Judge's finding and conclusion that Plaintiff failed to properly serve the named defendant under Rule 4(c)(1). FED. R. CIV. P. 4(c)(1).

After conducting a de novo review of all relevant matters of record in this case and the applicable law, the Court determines that the Findings and Conclusions of the Magistrate Judge are correct, and they are **ACCEPTED** as the Findings and Conclusions of the Court. Accordingly, this matter is **WITHDRAWN** from United States Magistrate Judge Hal R. Ray, Jr. and the case is **DISMISSED without prejudice**.

SO ORDERED on this **1st day of October, 2019.**

A handwritten signature in black ink, reading "Mark T. Pittman", written over a horizontal line.

Mark T. Pittman
UNITED STATES DISTRICT JUDGE